

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Crim. No. 2001-190
)	
CAMILLE POLLARD,)	
)	
Defendant.)	
)	

ORDER

On April 4, 2002, the Court held another hearing on the defendant's motion to suppress, at which the United States proffered its evidence to establish the constitutionality of the permanent immigration checkpoint at Cyril E. King Airport on St. Thomas under *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976). At the hearing, the Court requested additional information regarding the origins and purpose of the permanent checkpoint, and in particular, when and how the permanent checkpoint came to be put in place at Cyril E. King Airport. The United States countered that the information is not relevant to the determination whether the checkpoint is valid under *Martinez-Fuerte*.

WHEREAS the Court has determined that the government bears the burden here of establishing the constitutionality of the checkpoint itself, as well as the statutory and regulatory authority pursuant to which the checkpoint was established, and

WHEREAS the above-described information would assist the Court in resolving whether the checkpoint is *necessary* under *Martinez-Fuerte*, it is hereby

ORDERED that the United States shall, no later than April 30, 2002, provide supplemental briefing on the history and purpose of the pre-clearance checkpoints in general under 8 C.F.R. § 235.5, as well as the rationale for amending the regulation to remove Alaska and Hawaii from its coverage once they became states, and it is further

ORDERED that the United States shall have until April 30, 2002 to provide the Court with information regarding the origins and purpose of the permanent immigration checkpoint at the Cyril E. King Airport.

ENTERED this 16th day of April, 2002.

FOR THE COURT:

_____/s/_____
Thomas K. Moore
District Judge

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ATTEST:
WILFREDO F. MORALES
Clerk of the Court

By: _____
Deputy Clerk

Copies to:
Honorable Geoffrey W. Barnard
AUSA Kim L. Chisolm
Douglas Beevers, Esq.
Jennifer Coffin